

FY 2001-2002 Annual Report
As submitted to Court for publication
In Court's FY 2001-2002 Annual report

Indiana Judges and Lawyers Assistance Program
Susan B. Eisenhower, Executive Director

The Indiana Judges and Lawyers Assistance Program (hereafter JLAP) was created in October 1997 when the Indiana Supreme Court adopted Rule 31 of the Rules for Admission to the Bar and the Discipline of Attorneys, Indiana Rules of Court. JLAP provides assistance to judges, lawyers and law students who may experience physical or mental disabilities that result from disease, chemical dependency, mental health problems or age and that could impair their ability to practice in a competent and professional manner. All interactions and communications with JLAP are confidential under A&D Rule 31§ 9 and Rules of Professional Responsibility 8.3 (c). No information is ever released without the signed consent of the party involved.

The Supreme Court appoints a committee composed of five judges, nine attorneys and one law student -- the Judges and Lawyers Assistance Committee -- to oversee JLAP. The 2001-2002 Committee included: JLAP Chair Honorable Sally H. Gray, Greencastle; JLAP Vice-Chair Edward B. Hopper, II, Indianapolis; JLAP Treasurer Timothy R. Dodd, Evansville; JLAP Secretary/Law Student Representative Brita Martin, Indianapolis; Honorable John T. Sharpnack, Indianapolis; Honorable Mary Lee Comer, Danville; Honorable Anthony C. Meyer, Aurora; Honorable Jane Woodward Miller, South Bend; Vicki Battle-Cashwell, Gary; Thomas A. Fara, LaPorte; David F. Hurley, Indianapolis; J. Frank Kimbrough, Fort Wayne; James L. Lowry, Danville; Gaylon J. Nettles, Indianapolis; and James Stanton, Hobart.

Significant FY 2001-2002 Developments

The most outstanding achievement of FY 2001-2002 was JLAP's first Volunteer Orientation and Training held March 8-9, 2002. Approximately 50 judges, lawyers and law students from around the state convened in Indianapolis to learn more about JLAP, and one another, in a program that was CLE-approved. With the able assistance of Ohio Lawyers Assistance Program (OLAP) Executive Director Scott Mote and a panel of volunteers Day One offered a discussion of the JLAP functions of Monitoring and Mentoring. This included a panel with the Disciplinary Executive Secretary and Executive Directors of the Board of Law Examiners and the Commission on Continuing Legal Education who addressed how they interact with JLAP. Day Two offered substantive education on the issues JLAP sees most often -- addiction and depression -- along with sessions on the emerging issues of gambling and aging. Highlights of the two-day event included the presentation of the first "Friends of JLAP" award to Marge Bannon Miller and H. Dudley Miller in recognition of their enduring commitment to JLAP, and a moving lunch speech by a recovering attorney who was JLAP's first case when it opened as a Supreme Court agency. In addition to the Indiana attorneys present, and Scott Mote from Ohio, we were joined by two of our New York friends. One of these gentlemen represented the New York City Lawyer Assistance Program, and the other the New York State Bar Association's Lawyers Assistance Program. They were interested in seeing what Indiana was doing in the area of volunteer training, and taking that knowledge back home to their own state. It is truly a nice occasion when knowledge moves from inside the United States, out to the coast. Filled with sharing and camaraderie, the entire event was hailed a success in evaluations from the attendees.

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FY 2001-2002 was a year that saw the solidification of JLAP's relationships with the Board of Law Examiners and the Disciplinary Commission. Processes and procedures were honed, and the caseload has increased as we work together on the issues of addiction and mental health as they intersect with the bar admissions and disciplinary processes. The Board of Law Examiners cases, in particular, provide a way to interact with lawyers at the gateway to the profession who might have a problem and thereby act as a preventative element as well as assisting the Board of Law Examiners in the work it needs to do to determine an applicant's "character" and fitness to practice law.

Finally, JLAP continues to run a growing monthly Mental Health Support Group in Indianapolis. The group has had such good reception they are making themselves available around the state to help other areas start similar meetings.

Groundwork and Statistics

Early years of a program are about building a solid foundation, and in FY 2001-2002 JLAP continued to work on ground-laying activities. Submitted at the end of FY 2000-2001, in December 2001 the Supreme Court approved the revision of Admission and Discipline Rule 31 and JLAP's Program Guidelines to be effective April 1, 2002. Both items were the result of over a year's work on the part of the JLAP Committee's Rule 32 Subcommittee and the Policies and Procedures Subcommittee. The major revision of Rule 31 strengthened the confidentiality provisions.

JLAP continues to receive referrals in three ways – self-referral, third party referral and formal referral from a disciplinary or licensing body. In January 2001 JLAP began to compile statistics from our process of monthly case review and data analysis. For FY 2001- 2002 JLAP logged 123 Helpline calls. Calls ranged from a simple request for information to JLAP coordination of such activities as an immediate intervention (note: call numbers are strictly "calls for help" and do *not* include calls after a case file is opened, or routine calls received regarding JLAP's daily operations, outreach and education efforts). On June 30, 2002 JLAP had 83 open and 17 closed cases. Open cases include 43 substance or other addiction-related, 7 dual diagnosis cases (alcohol and mental health), 25 mental health-related and 8 physical or age-related cases. For the first time in JLAP's history, several clients entered voluntary Monitoring Agreements in FY 2001-2002, with an eye toward their upcoming disciplinary action or reinstatement cases. Four formalized Monitoring Agreements exist with the Disciplinary Commission, the Commission on Judicial Qualification, and the State Board of Law Examiners combined, with one reaching successful completion in November 2001. A number of monitoring cases are currently in various stages short of formalization, including JLAP's first mental health monitoring case.

A bi- monthly meeting continues with the Directors of the State Board of Law Examiners, the Disciplinary Commission, the Commission on Judicial Qualifications, the Commission on Continuing Legal Education along with a staff attorney from the Judicial Center to work on areas of overlap and develop protocols that best serve each agency's needs while maintaining JLAP's commitment to our client confidentiality. This also provides an on-going forum for resolution of issues as they occur. One of JLAP's goals is to foster early and confidential contact and these agencies are critical referral sources for JLAP, preferable *before* an issue reaches the stages where disciplinary action is required.

Education & Outreach

Education and outreach are an integral part of the work done at JLAP and are key in JLAP's effort to reach those in need early, before disciplinary agencies are involved. In JLAP's on-going efforts to get the Bench and Bar discussing these difficult issues, during FY 2001-2002 programs were presented for the Boone County Bar Association, Johnson County Bar Association, City & Town Judges Orientation, Indiana State Bar Association Fall Meeting, Indiana Lawyer's "Women in the Law" Conference, Indiana Trial Lawyers Association (ITLA) Annual Institute, Monroe County Women Attorneys, Sherman Minton

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Inns of Court in Jeffersonville, Allen County Bar Association, Judicial College, Judicial Conference Fall Meeting, Allen County Judicial Officers, Indianapolis Bar Association, Marion County Public Defender Agency and the Putnam County Bar Association joined by surrounding counties. JLAP continues to contribute a regular column for the ITLA's Quarterly journal – *The Verdict* and has a long-term goal of increasing article production.

Law Schools

Law students are an important audience for JLAP, for both education and assistance. JLAP Committee Law Student Representative Brita Martin continued to do her usual fine work throughout FY 2001-2002. JLAP presents to Judge Gary Miller's Professional Responsibility class each semester in Indianapolis, and JLAP is using this experience to develop the model to take out to the other law schools. JLAP has brought this concept to Bloomington, and the Law School Subcommittee is expanding in order to reach all law schools in FY2002-2003. In addition to presentations during class in Indianapolis, JLAP presented an evening panel in the new moot courtroom -- LAST CALL: Impairments, Disabilities and Fitness for the Bar -- which included Don Lundberg of the Disciplinary Commission and disciplinary defense counsel Kevin McGoff, in addition to JLAP staff.

National Activities

Finally, JLAP staff continues to be involved in the national network of Lawyers Assistance Programs (LAPs) coordinated by the ABA's Commission on Lawyers Assistance Programs (CoLAP), a valuable source of information and assistance. JLAP staff once again attended the CoLAP Annual Workshop, this year in Albuquerque, New Mexico shortly after September 11. As mentioned earlier, two representatives from New York attended that JLAP Volunteer Orientation & Training in Indianapolis in March. In August 2001 JLAP Executive Director Susan Eisenhower served on a CoLAP Program Review team for the state of Nevada. The three-member team spent time in Reno and Las Vegas and later Ms. Eisenhower served as the principal drafter of the team's report to be used by Nevada as it develops its first professionally staffed program. JLAP Clinical Director Terry Harrell has taken the lead at the national level regarding mental health issues, specifically the use of mental health interventions. In addition, she has worked with Jan Dickson of the Judicial Family Institute coordinating information for their national publication. Finally, JLAP Committee member David Hurley has been invited to Ohio to speak on depression as an outcome of his presentation at the Volunteer Training in March.